

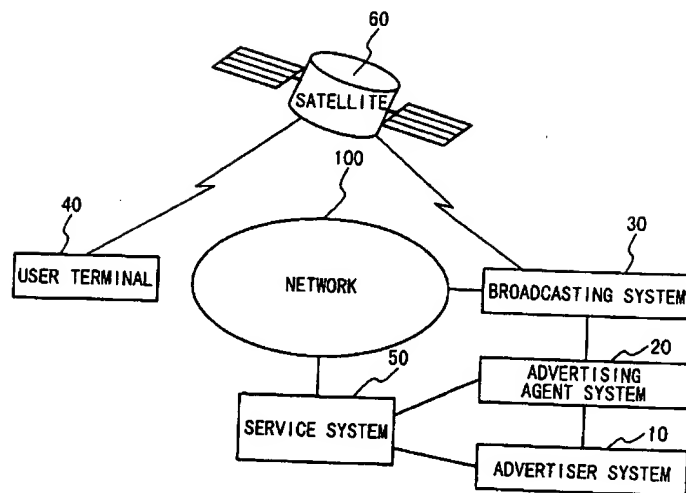
REMARKS

Claims 1-20 are currently pending in the application. Claims 1 and 12 have been amended by changing “advertising system” to “advertiser system.” (Claim 1, line 8; Claim 12, line 9) Support for such amendments may be found in Figures 2 and 3B. In addition, Claims 1, 5, 8, 10, 15, 16, and 17 have been amended by changing “detailed data” to “customer data.” (Claim 1, line 19; Claim 5, line 3; Claim 8, line 3; Claim 10, line 2 ; Claim 15, line 2; Claim 16, line 3; and Claim 17, line 2) Support for such amendments may be found in Figure 3B. Finally, the following amendments have been made in response to the Examiner’s comments to correct informalities: changing “(c)” to “(d)” at Claim 4, line 4; changing “(d)” to “(e)” at Claim 5, line 2; and changing “(l)” to “(m)” at Claim 7, line 4 and at Claim 8, line (2). These amendments correct informalities in the enumeration of paragraphs, which arose as a result of the amendments filed September 27, 2004. No new matter has been added.

The Claimed Invention

The claimed invention provides a bi-directional broadcasting and delivery system, and a method for using such a system, which includes an advertiser system, an advertising agent system, a broadcasting station system of a broadcasting station, a user terminal of a user, and a service system which may be connected to a network as follows:

Fig. 2



(Figure 2) Thus, an advertiser system 10 transmits policy data to an advertising agent system 20. The advertising agent system 20 transmits policy data and an ID of the policy data through a network 100 to the service system 50 which is composed of a server and a database. The advertising agent system 20 requests the broadcasting

station system 30 to broadcast and deliver the produced advertisement program for the sales promotion. The broadcasting station system 30 broadcasts and delivers a program produced by the broadcasting station and containing the advertisement program for the sales promotion through the satellite 60 in response to the request from the advertising agent system 20 together with program data. The user terminal 40 receives the program containing the advertisement program from the broadcasting station system 30 to display them on the display screen. The user makes a selection which is recorded in the user terminal 40, and in the service system 50 through the network 100.

Claims 1-20

Claims 1-20 were rejected as indefinite pursuant to 35 U.S.C. § 112, second paragraph. That rejection has been addressed herein by making the amendments requested by the Examiner.

Claims 1-20 were also rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,637,028 Voyticky et al. in view of "Admitted Prior Art." (Office Action at 2) Because Claims 2-11 depend from independent Claim 1, and Claims 13-20 depend from independent Claim 12, the following discussion is limited to Claims 1 and 12 with the understanding that the arguments presented apply to all of the claims.

The Examiner's rejection of Claims 1-20 was in error because, among other things, neither Voyticky et al. nor admitted prior art suggests the use of a *service system*, an *advertiser system*, or an *advertising agent system* as claimed by the claimed invention:

(a) broadcasting a program including an advertisement program of articles from a broadcasting system to a user terminal, said advertisement program being produced by an advertising agent in response to a demand transmitted by an advertiser from an *advertiser system* to an *advertising agent system*;

(b) registering policy data on a database of a *service system* by an advertiser through said *advertiser system*;

(Claim 1, lines 3-8) (emphasis added) and

wherein said advertiser determines policy data for an advertisement program, and transmits said policy data and a demand of production of an advertisement program of articles of said advertiser from said *advertiser system* to said *advertising agent system*, registering said policy data on a database of a *service system* by an advertiser through said *advertiser system*;

(Claim 12, lines 5-9) (emphasis added) are not suggested by Voyticky and are not known in the prior art.

The Examiner, in fact, admitted that “Voyticky does not specifically teach advertising program being produced by an advertising agent in response to a demand transmitted by an advertiser from an advertising system to an advertising agent system.” (Office Action at 4)

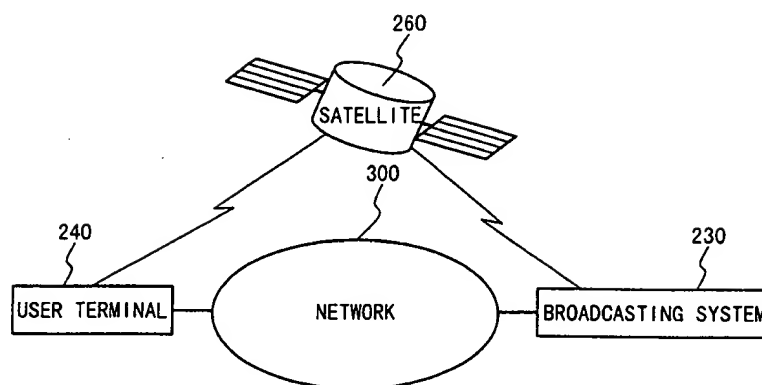
In an attempt to explain the rejection of Claims 1-20 notwithstanding the conceded deficiency of Voyticky et al., the Examiner erroneously found Applicant to have admitted that prior art suggests features of the claimed invention not suggested by Voyticky et al.:

Applicants [sic] admits in Figure 1 and on pages 1 and 2 of the specification that it is prior art for an advertiser to request an advertising agency to advertise articles and for the advertising agency to produce an advertisement program, then transmit the produced advertisement program to the broadcasting station and finally, request the broadcasting of the advertising program.

(Office Action at 4)

The Examiner’s finding that features of the claimed invention are anticipated by prior art is contradicted by the very portions of the Specification cited by the Examiner to support rejection. Figure 1, for example, upon which the Examiner relies, is distinguished from Figure 2, set forth above, primarily by the fact that Figure 1 does not make any reference to advertising:

Fig. 1 PRIOR ART



(Figure 1, cited in the Office Action at 4) In addition, while the portion of the written Specification identified by the Examiner as supporting rejection does include some reference to advertising, it does not suggest that a *service system*, an *advertiser system*, or an *advertising agent system* was known in the prior art:

A conventional commercial broadcasting and delivering method is known in which online shopping and questionnaire of an article are carried out using a satellite broadcasting and a network. In this conventional method, advertisement is carried out to a user through the satellite broadcasting and the reaction of the user to the advertisement can be acquired through the network.

Fig. 1 shows the conventional advertisement broadcasting and delivering system. In Fig. 1, the conventional broadcasting and delivering system is composed of a user terminal 240, a broadcasting station system 230, a network 300 connected to them mutually, and a satellite 260.

An advertiser requests an advertising agency to advertise articles, and the advertising agency produces an advertisement program and transmits the produced advertisement program to the broadcasting station and requests the broadcasting of this advertisement program. The broadcasting station broadcasts the requested advertisement program to the user terminal 240 through the satellite 260 using the broadcasting station system 230.

(Specification at page 1, line 10 – page 2, line 5)

Thus, the Examiner's assertion of "Admitted Prior Art" (Office Action at 2) does not support the rejection of Claims 1-20 because, among other things, a *service system*, an *advertiser system*, or an *advertising agent system* are not known in the prior art. The rejection of Claims 1-20 on the basis of prior art amounts to impermissible hindsight and an improper assertion of technical fact in an area of esoteric technology without support by citation of any reference work and is, therefore, respectfully traversed. See M.P.E.P. § 2144.03, citing *In re Ahlert*, 424 F.2d 1088, 1091, 165 U.S.P.Q. 418, 422-21 (C.C.P.A. 1970).

Conclusion

In view of the foregoing, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

01-USPF-641-MK

Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Whitham", written in a cursive style.

Michael E. Whitham
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